

STATEMENT OF

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BEFORE THE HOUSE COMMITTEE ON ARMED SERVICES

SUBCOMMITTEE ON MILITARY PERSONNEL

UNITED STATES HOUSE OF REPRESENTATIVES

ON

IMPROVING RECOVERY AND FULL ACCOUNTING OF

POW/MIA PERSONNEL FROM ALL PAST CONFLICTS

April 2, 2009

On behalf of The American Legion, thank you for the opportunity to participate in this important hearing which will examine ways to improve the recovery and accounting for Prisoners of War (POW) and those service members who are Missing in Action (MIA) from all past conflicts.

At the outset, it should be noted that The American Legion's definition of what would constitute the fullest possible accounting of our POWs and MIAs is:

1. The turning over of live prisoners;
2. The expeditious repatriation of the remains of those who were killed in action or who died in captivity; or
3. The provision of valid, conclusive evidence as to why neither of those is possible.

It is the recommendation of The American Legion that a workable, logical definition of "fullest possible accounting" should be adopted so that there is agreement on the ultimate goal toward which we should be working. Many tens of thousands of Americans are reported as "Missing in Action" or "Killed in Action/Body Not Recovered" from World War II, the Korean War, the Cold War and the war in Southeast Asia. We recognize that thousands, especially from World War II, are unrecoverable and considered buried at sea.

The families of these POWs and MIAs still suffer untold grief and uncertainty due to the lack of any accurate accounting in spite of the heroic efforts of US search teams that continue to improve. Some reports, the Bill Dumas film "Missing, Presumed Dead: The Search for America's POWs" for example, indicate that some of these Americans could be alive in the former enemy areas.

It appears that certain information from these areas has been deliberately and cruelly withheld from their families. The American Legion is convinced for example, that American POWs were detained by Vietnam after Operation Homecoming in 1973, and there is sufficient evidence to believe that there is still a possibility of American POWs being held in Indochina today. Clearly, there is more Vietnam could do, especially on last-known-alive cases, including such personnel in areas of Laos and Cambodia controlled by Vietnamese forces during the War. Specific locations of alleged remains of US servicemen have now been identified by the US Government. The American Legion believes US Government POW/MIA operations are still inadequate, and America's normalization of relations with Vietnam has not achieved substantially greater progress. The American Legion urges the President of the United States of America and every member of the US Congress to speak out on every occasion to expedite the return of those US servicemen still missing and unaccounted for from the Vietnam War.

The American Legion believes the following priority actions should be taken by the US Government:

- Continue to provide sufficient personnel and resources so that investigative efforts of World War II, Cold War, Vietnam, and Korean War POW/MIA situations can be broadened and accelerated.

- Continue to provide necessary resources so field operations can be conducted at a maximum rate of activity with more timely follow-up of live sighting reports.
- Continue to declassify all POW/MIA information (except that revealing intelligence sources or methods) in a form readily available to public review.
- Initiate or strengthen joint commissions with Russia, the People's Republic of China, and Democratic People's Republic of Korea to increase POW/MIA recovery efforts.
- Establish a joint standing congressional committee on POW/MIA affairs to ensure continued action by the executive branch in addressing the POW/MIA issue.

Personnel and Funding

The American Legion has long been deeply committed to achieving the fullest possible accounting for US personnel still held captive, missing and unaccounted for from all of our nation's wars. The level of personnel and funding for the Joint POW/MIA Accounting Command (JPAC) has not been increased at a level commensurate with the expanded requirement to obtain answers on Americans unaccounted for from wars and conflicts prior to the Vietnam War. It is the responsibility of the US Government to account as fully as possible for America's missing veterans, including – if confirmed deceased – the recovery of their remains when possible. The US Congress has a duty and obligation to appropriate funds necessary for all government agencies involved in carrying out strategies, programs and operations to solve this issue and obtain answers for the POW/MIA families and our nation's veterans. This accounting effort should not be considered complete until all reasonable actions have been taken to achieve the fullest possible accounting. The American Legion calls on Congress to provide increases in personnel and full funding for the efforts of JPAC, the Defense POW/Missing Personnel Office (DPMO), the Life Sciences Equipment Laboratory, and the Armed Forces DNA Laboratory, including specific authorization to augment assigned personnel when additional assets and resources are necessary. The American Legion remains steadfast in our commitment to the goal of achieving the fullest possible accounting for all US military and designated civilian personnel missing from our nation's wars.

JPAC was forced to reduce field operations in pursuit of missing US personnel in early 2006 due to a failure of the Defense Department to provide adequate funding. The mission of JPAC has been expanded by Congress to include investigation and recovery operations dating back to and including unaccounted for WWII personnel, while funding levels have not increased to meet this requirement. The headquarters currently utilized by JPAC is no longer capable of housing the expanded command nor the expanded laboratory requirements for forensic identifications. The American Legion calls on the Congress to ensure that JPAC has at least \$62 million per year in operation funds and an additional \$64 million per year for FY 2010 through FY 2011 for JPAC military construction funds as part of the budget for the Department of Defense in connection with JPAC. The American Legion calls on the Congress to ensure that such funds be approved and restricted for use for no purpose other than those included in the mission statement of the Joint POW/MIA Accounting Command, Hickam AFB, Hawaii.

The American Legion commends Admiral Timothy Keating, Commander, US Pacific Command, for his commitment to seek US Navy funding in the amount of \$105 million to begin construction of a new JPAC headquarters, including a state-of-the-art laboratory in FY 2010, to be completed in FY 2011. Furthermore, The American Legion urges the US Congress to fully fund this US Navy military construction project to ensure that those who serve our nation – past, present, and future – are returned and accounted for as fully as possible.

DPMO is the lead Department of Defense agency responsible for policy and oversight for personnel accountability for military and designated civilians. As previously stated, The American Legion believes US Government POW/MIA and personnel accountability operations are still inadequate, and that appropriations have not been sufficient to fund research and development for new or improved personnel accountability programs. The American Legion urges Congress to designate and provide adequate and appropriate funding for DPMO for their current and future mission to ensure the accountability for our Nation's servicemen and servicewomen.

Since formation of DPMO in 1992, there has been a marked decrease in interagency coordination and cooperation on POW/MIA accounting matters. The American Legion urges the President and the Congress, to call upon the National Security Council, Department of Defense and Department of State to reenergize interagency coordination in support of criteria for unilateral actions of the full recovery and accounting mission.

North Korea

The American Legion recognizes the progress in bilateral discussions with North Korea, also known as the Democratic People's Republic of Korea (DPRK) on strategic issues; and The American Legion recognizes the lead time required between renewing bilateral discussions and restoring actual operations. That being said, The American Legion supports renewing direct bilateral humanitarian talks with the DPRK regime for the sole purpose of restoring the processes required to account for these unreturned Korean War Veterans.

Vietnam

The Socialist Republic of Vietnam (SRV) government has consistently pledged to provide the US with POW/MIA-related documents and records that could help account for America's unreturned veterans still missing from the Vietnam War. However, the SRV continues to withhold documents assessed by US experts to be readily available. The American Legion calls on the US government to encourage the SRV's leadership to deliver archival records and documents in relation to POW/MIA issues to the US government prior to the President's visit to Hanoi. Also we ask that significant unilateral actions regarding POW/MIA issues by the SRV continue to be priority objectives in efforts to obtain the fullest possible accounting for US personnel still missing from the Vietnam War; and calls on the President and the Secretaries of State and Defense to ensure that the need for unilateral responsiveness on archival records and repatriation of remains is consistently and accurately conveyed to counterpart Vietnamese officials at every level and opportunity.

The Bush Administration's annual determination to Congress assessing the level of Vietnam's cooperation, including that of 7 March 2008, defined unilateral steps needed to increase results

regarding humanitarian cooperation to achieve the fullest possible accounting for Americans still missing from the Vietnam War. In this regard, The American Legion calls on the US Government to encourage the SRV's Prime Minister Nguyen Tan Dung and other Vietnamese leaders to immediately authorize subordinates in all ministries to locate and make available records related to Americans still missing and unaccounted for from the war including case-specific records on US personnel lost in areas of Laos and Cambodia controlled during wartime by Vietnamese forces. Also, The American Legion calls on these leaders to immediately authorize their subordinates to locate and make available remains and/or evidence of Americans last known alive in captivity or in immediate proximity to capture by Vietnamese forces – if no longer living – that have not yet been returned and cannot be recovered by joint teams in the field.

Underwater Recovery

The American Legion calls on the President, the Secretaries of State and Defense and the PACOM Commander to seek immediate implementation of the agreement reached with the SRV for using a US Navy vessel to conduct humanitarian survey, investigation and recovery operations along Vietnam's coastline; The American Legion calls on the Government of the SRV to honor its commitment and agree to schedule a US Navy vessel in its territorial waters for the purpose of conducting humanitarian actions that could help account for Americans lost in the war.

The Montagnards and Hmong Hill People

The American Legion recognizes the comradeship and loyalty of the ethnic minorities of Vietnam to include, Montagnards and Hmong hill people, whose assistance was invaluable during the Vietnam War. Members of The American Legion have a special concern for maintaining peace with freedom and recognize the need to protect Human Rights for these former wartime allies.

The American Legion urges the President and the Congress to support legislation and policies that will compel the SRV to meet the international standards of Human Rights. In addition, The American Legion believes that the ethnic and religious minorities within the country of Vietnam should be afforded those protections and rights to live and worship in peace without threat of imprisonment or retribution from their government.

US-Russia Joint Commission

The American Legion has confidence in the mission, ability, commitment and unique expertise of the staff of the US-Russia Joint Commission (USRJC) on POW/MIAs, known as JCSD (Joint Commission Support Directorate). The American Legion calls on Russian President Dmitry Medvedev and Russian Prime Minister Vladimir Putin to increase the priority within and responsiveness of their government on the humanitarian mission pursued by the US-Russia Joint Commission on POW/MIA Affairs. The American Legion urges the leaders of Congress to act immediately to name one qualified Democratic member of the House and one qualified Democratic member of the Senate to serve as Commissioners to pursue the important interests and objectives of the POW/MIA families and our nation's veterans. The American Legion calls on the leadership of the House and Senate to ensure that its representatives on the US-Joint Commission on POW/MIA Affairs are able to serve actively as US Commissioners in pursuing

the important interests and objectives of the POW/MIA families and our nation's veterans. The American Legion calls on the leadership of the Commonwealth of Independent States to increase the responsiveness of their government in the humanitarian mission pursued by the Joint Commission. The American Legion urges Congress to provide the necessary and adequate funding needed for the Commission to pursue its mission for full accountability of all our country's service members.

Conclusion

The American Legion thanks the Chairman and the Committee for having this hearing and for listening to the views of The American Legion. We are happy to answer questions the Committee may have.